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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/890,585

02/19/2002

Thomas Knodler

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6312

7590

07/28/2005

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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/890,585	Applicant(s) KNODLER ET AL.	
	Examiner Aristotelis M. Psitos	Art Unit 2653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION:

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

Applicants' response of 3/21/05 has been considered with the following results. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The examiner maintains the object to the title.

#### ***Drawings***

The examiner approves the proposed corrections/new drawings and final drawings should now be submitted (along with any response to this outstanding OA).

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Katz et al further considered with Yeh et al.

The following analysis is made:

Claim 1:	Katz et al
An information carrying device comprising	Title/abstract
A carrier with at least one external surface	record element 10
for the readout of optically readable information,	fig. 1 credit card
a transparent film for copy protection with a property that	second image
rotates the polarization of the readout light and	see element 106 fig.
or a filtering property is introduced onto	10
the at-least one external surface, wherein	
the optically readable information contains	see element 104 fig.
holographically recorded information, wherein the copy-	10
protection film includes surface segments,	col. 5, lines 60 plus
of different polarization-rotating	

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or filtering properties,

wherein the surface segments viewed together,

show an information pattern that contains coded information, yes

at least in part,

and that the optically readable information on yes

the information carrier

also contains coded information, at least in part, see col. 6, lines

and wherein the coded information of the copy-protection 1-36.

film comprises a decoding key for the coded

information of the information carrier, or vice versa.

As analyzed above, a record carrier – the credit card has a holographic image – hologram 104 on a surface thereof. Overlaying this surface is a second image 106, which as discussed in col. 6 lines 1-36 is used/relied upon in order to decrypt the information from both image surfaces in order for proper authentication. The second image 106, or alternatively 108 is related, can be another hologram.

Under 102 considerations the examiner interprets the second image as containing the protection property recited in claim 1 above, i.e., either it is a filtering property, or rotates the polarization of the readout light – since it is also a hologram.

Alternatively, if applicants' can convince the examiner that such is not inherently present, then under 103 considerations the examiner relies upon Yeh et al – see the discussion with respect to his decoding film layer in col. 2 lines 25-29.

It would have been obvious to modify the base system of Katz et al with the additional teaching from Yeh et al, motivation is to provide for an appropriate decoding film, which the examiner interprets, meets the claimed copy protection film limitation.

The limitation of claim 2 is considered met by the above combination of references, i.e., a "safety seal".

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***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

2. Claims 3, 4, 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 as stated above and further in view of Toye et al.

With respect to claims 3, 4, and 5 although the base reference disclose lamination, there is no specific mention of an adhesive, or the transparent perforations. Toye et al discloses the ability of using adhesives in this environment for their inherent use/ability as well as having a plurality of transparent perforations wherein such perforations are responsive to particular light transmissivities (colored gelatin for example) and may or may not be related to color – see col. 4 lines 32-45 for instance.

The examiner interprets such as meeting/teaching the limitations of these claims.

It would have been obvious to modify the base system as stated above with respect to claims 1 and 2 with the above teachings from Toye et al, motivation is as discussed in Toye et al, to increase the security of the document.

With respect to claim 9, as interpreted by the examiner Toye et al permits his material to provide appropriate material for various colors, hence meeting this claims limitations. Since no specific/detail disclosure is found to define these ratios the examiner concludes that such is met by the Toye et al document.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 2 as stated above, and further in view of Stenzel.

The ability of having a luminous layer is taught by the fluorescent layer 3 in the Stenzel document.

It would have been obvious to modify the base system as stated above with the additional teaching from Stenzel, again motivation is to increase the security of the document.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 6 above, and further in view of Samyn.

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With respect to the particular range as specified by claim 7, such is taught by the Samyn document – see the discussion at col. 2 starting at line 1.

It would have been obvious to modify the base system as relied upon with respect to claim 6 with the additional teaching from Samyn, motivation is to increase the security of the end product.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 6 above, and further in view of Fujita et al.

Fujita et al – teaches the ability “shielding” layers in this environment – see especially the overall description with respect to figure 2. Since Teye et al provides for “holes”, the examiner interprets the claimed phrase “point light mask” as being a shielding layer (mask) with holes therein. Hence, the examiner concludes that because shields/masks in this environment are known for their ability to increase the security of the end product, the ability of having a “point light mask” (thing of a holey layer) as met by the above combination of references and obvious to one of ordinary skill in the art. Alternatively, familiar with such “point light mask” is well known from that familiar childhood game, “peek –a- boo”, using one's hands as the mask, and spreading ones' fingers accordingly. In an event, the examiner concludes that such is obvious to one of ordinary skill in the art.

With respect to the placement of this mask, Fujita et al does disclose the placing of his shield at various layers/positions with respect to the information layer. Placing such a mask in the particular location is mere considered an obvious variant predicated upon manufacturing costs, etc.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 as stated above, and further in view of Curiel.

With respect to claim 10, the ability of providing a molded (injected) as the information structure yielding the appropriate diffraction is taught by the above noted Curiel document , see col. 2 lines 53 plus.

It would have been obvious to modify the base system with the above injection molding technique, motivation is to provide an appropriate manufactured article using existing techniques and hence saving valuable resources in not having to redesign manufacturing equipment to create the article/hologram.

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**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Huang, Daniel et al, Dovgodko et al all teach the ability of a secondary "safety" film that is relied upon in cooperation with a base image (hologram) in order for proper authorization/decoding of the image.

Tompkin et al teach placing holographic films/decals onto cds.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aristotelis M Psitos  
Primary Examiner  
Art Unit 2653



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